

ATTORNEY DOCKET NO: 111 APN-2
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Peter E. von Behrens, et al.

Group Art Unit: 3748

Serial No: 10/080,640

Examiner: Hoang M. Nguyen

Filed: February 21, 2002

Our Client ID: 22827

Confirmation No: 8160

Our Account No: 04-1403

Title: SMA Actuator With Improved Temperature Control



Commissioner for Patents
U.S. Patent and Trademark Office
Post Office Box 1450
Alexandria, VA 22313-1450

Petition to Revive Under 37 C.F.R. § 1.137(b)

This is a Petition to Revive Under 37 C.F.R. § 1.137(b) in the above-identified application and includes the herewith attachment of same date and subject which is incorporated herein by reference and the signature below is to be treated as the signature to the attachment in absence of a signature thereto.

Fee requirements (if any) have been calculated as shown below:

Claims remaining after amendment	Highest number previously paid for	Present Extra	Additional Fee
Total Effective Claims	minus	=	X \$50 = \$.00
Independent Claims	minus	=	x \$200 = \$.00
If amendment enters <u>proper</u> multiple dependent claim(s) into this application for <u>first</u> time, add \$290.00 (per application) \$.00			
Since Official Action set an <u>original</u> due date of _____, \$.00			
PETITION is hereby made for an extension to cover the date this response is filed for which the requisite fee is enclosed (1 month \$120; 2 months \$450; 3 months \$1020; 4 months \$1590, 5 months \$2,160) \$.00			
If Terminal Disclaimer enclosed, add Rule 20(d) Official Fee (\$110.00) \$.00			
SUBTOTAL:			\$.00
If "small entity" verified statement filed [] previously, \$.00			
[] herewith, enter one-half (1/2) of subtotal and <u>subtract</u> \$.00			
TOTAL:			\$.00
Other: <u>Revocation/Grant of Power of Attorney and Statement Under 37 C.F.R. § 3.73(b)</u>			\$ 3,200.00
<u>And Credit Card Payment Form</u>			
TOTAL FEE ENCLOSED:			\$ 3,200.00

The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any fees in addition to the fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (deficiency only) now or hereafter relative to this application and the resulting official document under Rule 20, or credit any overpayment, to our Account No. 04-1403 for which purpose a duplicate copy of this sheet is attached. This statement does not authorize charge of the issue fee in this case.

ADDRESS:
Post Office Box 1449
Greenville, SC 29602 USA
Customer ID No.: 22827
Telephone: 864-271-1592
Facsimile: 864-233-7342

DORITY & MANNING
ATTORNEYS AT LAW, P.A.

By: Jeffrey M. Karmilovich Reg. No: 35,915 Date: May 9, 2005

Signature: Jeffrey M. Karmilovich

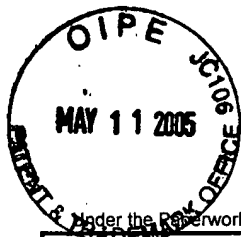
I hereby certify that this correspondence and any referenced attachment and fee are being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, U.S. Patent and Trademark Office, Post Office Box 1450, Alexandria, VA 22313-1450, on May 9, 2005.

Joan Behm

(Typed or printed name of person mailing paper or fee)

Joan Behm
(Signature of person mailing paper or fee)

BEST AVAILABLE COPY

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number (Optional)
APN-2

First named inventor: Peter E. von Behrens

Application No.: 10/080,640

Art Unit: 3748

Filed: February 21, 2002

Examiner: Hoang M. Nguyen

Title: SMA Actuator With Improved Temperature Control

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX: (703) 872-9306

NOTE: If information or assistance is needed in completing this form, please contact Petitions
Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a
notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the
expiration date of the period set for reply in the Office notice or action plus an extensions of time
actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications
filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☐ Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity - fee \$ 1,500 (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in

the form of _____ (identify type of reply):

- ☐ has been filed previously on _____
☐ is enclosed herewith.

B. The issue fee of \$ 1,700.

- ☐ has been paid previously on _____
☒ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

May 9, 2005
Date

Jeffrey M. Karmilovich
Signature

Telephone
Number: 864/271-1592

Jeffrey M. Karmilovich, Reg. No. 35,915

Typed or printed name

P.O. Box 1449

Address

Greenville, SC 29602

Address

- Enclosures: ☒ Fee Payment
- ☐ Reply
- ☐ Terminal Disclaimer Form
- ☒ Additional sheets containing statements establishing unintentional delay
- ☒ Other: Revocation/Grant of Power of Attorney; Statement Under 37 C.F.R. 3.73(b)

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

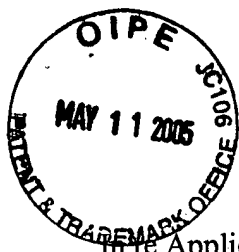
- ☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
- ☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 872-9306.

5-9-2005
Date

Joan Behm
Signature

Joan Behm

Type or printed name of person signing certificate



ATTORNEY DOCKET NO.: APN-2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Peter E. von Behrens, et al.

Serial No.: 10/080,640

Filed: February 21, 2002

For: SMA Actuator With Improved Temperature Control

) Examiner: Hoang M. Nguyen

) Art Unit: 3748

PETITION TO REVIVE UNDER 37 C.F.R. § 1.137(b)

Commissioner of Patents
U.S. Patent and Trademark Office
Post Office Box 1450
Alexandria, VA 22313-1450

Sir:

This Petition to Revive an unintentionally abandoned application for failure to pay the issue fee and publication fee is hereby submitted in accordance with 37 C.F.R. § 1.137(b) and MPEP § 711.03(c). Along with this Petition, Applicants hereby submit payment of Issue and Publication Fees, the Petition Fee, and a statement that the entire delay was unintentional, along with a Revocation/Grant of Power of Attorney and a Statement under 37 C.F.R. §3.73(b).

The entire delay in following the required reply from the due date for the reply until the filing of the grantable petition fee pursuant to 37 C.F.R. § 1.137(b) was unintentional. Petitioner Alfmeier Präzision AG Baugruppen und Systemlösungen has obtained ownership of this application via an Assignment for Benefit of Creditors dated December 13, 2004 from NanoMuscle, Inc. to Sherwood Partners, Inc. and via an Agreement dated March 2, 2005 from Sherwood Partners, Inc. to Petitioner. These transfers have been recorded at Reel/Frame Nos. 015942/0766 and 015943/ 0345, respectively. Therefore, Petitioner has only owned rights under

this patent application since March 2, 2005. Petitioner respectfully requests revival and acceptance of the attached fees.

The Examiner is invited and encouraged to contact the undersigned with any questions or concerns regarding this Petition.

Respectfully submitted,

DORITY & MANNING, P.A.

A handwritten signature in black ink, appearing to read 'Jeffrey M. Karmilovich', is written over a horizontal line.

Jeffrey M. Karmilovich

Reg. No. 35,915

P.O. Box 1449

Greenville, SC 29602-1449

(864) 271-1592

FAX (864) 233-7342



PTO/SB/82 (09-03)

Approved for use through 11/30/2005. OMB 0851-0035

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**REVOCATION OF POWER OF
ATTORNEY WITH
NEW POWER OF ATTORNEY
AND
CHANGE OF CORRESPONDENCE ADDRESS**

Application Number	10/080,640
Filing Date	02/21/2002
First Named Inventor	Peter E. von Behrens
Art Unit	3748
Examiner Name	Hoang M. Nguyen
Attorney Docket Number	APN-2

I hereby revoke all previous powers of attorney given in the above-identified application.

☐ A Power of Attorney is submitted herewith.

OR

☒ I hereby appoint the practitioners associated with the Customer Number:

22827

☒ Please change the correspondence address for the above-identified application to:

☒ The address associated with
Customer Number:

22827

OR

<input type="checkbox"/> Firm or Individual Name					
Address					
Address					
City		State		Zip	
Country					
Telephone		Fax			

I am the:

☐ Applicant/Inventor.

☒ Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

SIGNATURE of Applicant or Assignee of Record

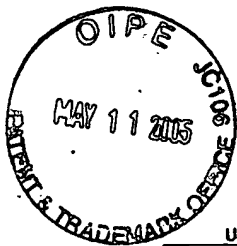
Name	Lothar Meier, Vice President, Alfmeier Prazision AG Baugruppen und Systemlosungen		
Signature			
Date	04. May 2005	Telephone	011 49 914 270524

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ Total of _____ forms are submitted.

This collection of information is required by 37 CFR 1.38. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



PTO/SB/98 (08-03)

Approved for use through 07/31/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

STATEMENT UNDER 37 CFR 3.73(b)Applicant/Patent Owner: Alfmeier Präzision AG Baugruppen und SystemlösungenApplication No./Patent No.: 10/080,640 Filed/Issue Date: February 21, 2002Entitled: SMA Actuator With Improved Temperature ControlAlfmeier Präzision AG Baugruppen und Systemlösungen, a Corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or2. ☐ an assignee of less than the entire right, title and interest.The extent (by percentage) of its ownership interest is _____ %
in the patent application/patent identified above by virtue of either:A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:1. From: Inventors To: NanoMuscle, Inc.The document was recorded in the United States Patent and Trademark Office at
Reel 012632, Frame 0273, or for which a copy thereof is attached.2. From: NanoMuscle, Inc. To: Sherwood Partners, Inc.The document was recorded in the United States Patent and Trademark Office at
Reel 015942, Frame 0766, or for which a copy thereof is attached.3. From: Sherwood Partners, Inc. To: Alfmeier Präzision AG Baugruppen und SystemlösungenThe document was recorded in the United States Patent and Trademark Office at
Reel 015943, Frame 0345, or for which a copy thereof is attached.☐ Additional documents in the chain of title are listed on a supplemental sheet.☐ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

04. May 2005
Date011 49 914 270524

Telephone number

Lothar Maier

Typed or printed name

[Signature]
Signature

Vice President

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.